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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,417	06/30/2003	John Stevens	VAI.P025	8061
53556	7590	01/04/2006	EXAMINER	
OPPEDAHL & LARSON LLP- VAI			PADMANABHAN, KAVITA	
P.O. BOX 5068				
DILLON, CO 80435-5068			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,417	STEVENS, JOHN	
	Examiner Kavita Padmanabhan	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 June 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. Claims 1-20 are pending and have been examined.
2. Claims 1-20 are rejected.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 1, reference characters 100, 110, 120. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figs. 2A-2C and 3A-3H are not of sufficient quality to be able to see the details of the claimed invention. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark

Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

Reference characters 100, 110, and 120 are mentioned in the specification at page 6, lines 11-12, but do not appear in the corresponding figure.

Appropriate correction is required. The citations above are not meant to be exhaustive, and are provided as examples. The applicant is advised to correct other similar errors as required throughout the specification.

Claim Language

6. **Claims 9, 15, 16, and 17** contain “intended use” functionality language such as “an identification pickup device **for** generating,” “an input device for inputting,” “a memory device for storing,” “a user switch for selectively activating,” “a display device for displaying,” “a processor for processing,” and “a transceiver for wirelessly communicating.”

Applicant is advised that “intended use” language in the claims does not add any patentable weight.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 1-2 and 19** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 appears to be directed towards an abstract idea, which can not be categorized in any of the statutory classes of invention.

The examiner will apply prior art to these claims as best understood, with the assumption that applicant will amend to overcome the stated 101 rejections.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2161

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-3 and 5-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahearn et al. (US 5,661,291, hereinafter “Ahearn”).**

In regards to **claim 1**, Ahearn teaches a method for identifying a package recipient, said method comprising:

- delivering a package to a recipient (**Ahearn; col. 4, lines 54-55 – recipient of an item means an item is delivered**); and
- recording at least one of said recipient's voice and said recipient's image (**Ahearn; col. 4, lines 51-55 – recipient's voice**).

In regards to **claim 2**, Ahearn teaches the method according to claim 1, further comprising:

- reproducing said recording in order to identify a package recipient (**Ahearn; col. 5, lines 63-65; col. 6, lines 5-7**).

In regards to **claim 3**, Ahearn teaches the method according to claim 1, wherein said recipient's voice is recorded in a digital audio file (**Ahearn; col. 5, lines 2-11**).

Claims 5-7 are rejected based on their dependence on claim 1, which recites, "recording at least one of said recipient's voice and said recipient's image," and the cited reference teaches recording the recipient's voice.

In regards to **claim 19**, **Ahearn** teaches the method according to claim 1, wherein said identifying a package recipient and providing proof of delivery is performed in real time (**Ahearn; col. 5, lines 33-42**).

In regards to **claim 8**, **Ahearn** teaches a method for identifying a package recipient, said method comprising:

- generating a digital identification signal for said recipient using an identification pickup device (**Ahearn; col. 4, lines 51-55; col. 5, lines 3-4**);
- inputting delivery data (**Ahearn; col. 4, lines 25-28, 35-36, 66-67 – identification indicia related to the item that is delivered constitutes delivery data**); and
- storing said identification signal and said delivery data (**Ahearn; col. 4, line 66 – col. 5, line 11**).

In regards to **claim 9**, **Ahearn** teaches a device for identifying a package recipient, said device comprising:

- an identification pickup device for generating a digital identification signal for said recipient (**Ahearn; Fig. 3, reference characters 101, 105; col. 4, lines 25-28, 35-36, 51-55; col. 5, lines 3-4**);
- an input device for inputting delivery data (**Ahearn; Fig. 3, reference character 101; col. 4, lines 25-28, 35-36**); and
- a memory device for storing said identification signal and said delivery data (**Ahearn; Fig. 3, reference character 107; col. 4, line 66 – col. 5, line 11**).

In regards to **claim 10**, **Ahearn** teaches the device according to claim 9, wherein said identification pickup device and said input device comprise the same device (**Ahearn; Fig. 3, reference character 100**).

In regards to **claim 11**, **Ahearn** teaches the device according to claim 9, wherein said identification pickup device comprises one of an audio pickup device and an image pickup device (**Ahearn; Fig. 3, reference character 105 – audio pickup device**).

In regards to **claim 12**, **Ahearn** teaches the device according to claim 9, wherein said digital identification signal comprises one of a digital voice signal and a digital image signal (**Ahearn; col. 5, lines 3-4 – digital voice signal**).

In regards to **claim 13**, **Ahearn** teaches the device according to claim 9, wherein said identification pickup device comprises a microphone and said digital identification

signal comprises a digital audio signal (**Ahearn; Fig. 3, reference character 105; col. 4, lines 51-55; col. 5, lines 3-4**).

In regards to **claim 14**, **Ahearn** teaches the device according to claim 9, wherein said identification pickup device comprises an image pickup device and said digital identification signal comprises a digital image signal (**Ahearn; col. 5, lines 3-5, 12-16 – pickup device records identification data, which can be displayed**).

In regards to **claim 15**, **Ahearn** teaches the device according to claim 9, further comprising:

- a user switch for selectively activating or deactivating said identification pickup device (**Ahearn; Fig. 3; col. 4, lines 18-34 – portable tracking unit has battery and can be turned on and off by user of the unit**).

In regards to **claim 16**, **Ahearn** teaches the device according to claim 9, further comprising:

- a display device for displaying a representation of said digital identification signal (**Ahearn; Fig. 3, reference character 108; col. 5, lines 3-5, 12-16**).

In regards to **claim 17**, **Ahearn** teaches the device according to claim 9, further comprising:

- a processor for processing data and instructions (**Ahearn; col. 4, lines 35-65; col. 5, line 27**); and
- a transceiver for wirelessly communicating said digital identification signal to a remote database (**Ahearn; Fig. 3, reference character 111; col. 5, lines 33-37**).

In regards to **claim 18**, **Ahearn** teaches the device according to claim 9, wherein said input device comprises an alphanumeric keypad (**Ahearn; Fig. 3, reference character 110; col. 5, lines 21-22**).

Claim 20 is rejected with the same rationale given for claim 8.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ahearn** in view of **Garrison et al.** (US 2003/0204736, hereinafter “**Garrison**”).

In regards to **claim 4**, **Ahearn** teaches the method according to claim 3.

Ahearn does not expressly teach the digital audio file being in a file format for storing waveform data.

Garrison teaches a digital audio file in a Waveform Audio (WAV) file format (**Garrison; par [0030], lines 8-14**).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store the audio file of **Ahearn** in a WAV file, as taught by **Garrison**, to gain the advantage of storing the audio data in a standard format (**Garrison; par [0030], lines 8-14**).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Safet Metjahic** can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KP.

December 23, 2005


UYEN LE
PRIMARY EXAMINER